

United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

FELIPE CARMELO-GOMEZ

**CRIMINAL COMPLAINT**

Case Number:

10-mj-256 FLN

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 27, 2010, in Carver County, in the State and District of Minnesota, defendant

an alien who had previously been removed from the United States subsequent to a conviction for an aggravated felony, namely 2<sup>nd</sup> Degree Sale 3 Grams or More—Cocaine/Heroin/Methamphetamine, re-entered and was found in the United States without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States,

in violation of Title 8, United States Code, Section(s) 1326(a) and 1326(b)(2).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:  
SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

6/29/10

Date

The Honorable Franklin L. Noel  
UNITED STATES MAGISTRATE JUDGE

Name &amp; Title of Judicial Officer



Signature of Complainant  
Adam M. Kline  
BICE

Minneapolis, MN

City and State

  
Signature of Judicial Officer

SCANNED

JUN 29 2010

U.S. DISTRICT COURT MPLS

STATE OF MINNESOTA)  
 )  
COUNTY OF HENNEPIN)

ss. **AFFIDAVIT OF Adam Kline**

Adam Kline, being duly sworn, deposes and states as follows:

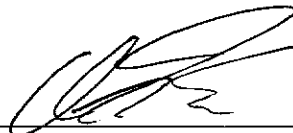
1. Your Affiant has been employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS) since August of 2006. On February 1, 2009, your Affiant was promoted to Deportation Officer.
2. As a Deportation Officer, your Affiant's duties and responsibilities include overseeing the cases of aliens in removal proceedings. Your Affiant is also responsible for reviewing alien files in connection with the detention and release of aliens in ICE custody.
3. This Affidavit is based on your Affiant's training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, your Affiant believes that probable cause exists to believe that, on or about May 27, 2010, in Carver County, Minnesota, in the State and District of Minnesota, Felipe CARMELO-Gomez unlawfully re-entered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and the defendant's removal was subsequent to a

conviction for commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On May 27, 2010, Chaska Police Department effected a traffic stop, in the City of Chaska, Minnesota, County of Carver, on the vehicle that the defendant, Felipe CARMELO-Gomez was driving. The defendant falsely identified himself as Daniel PINA-Aguilar with a date of birth of July 16, 1982. The defendant eventually admitted that Daniel PINA-Aguilar is his cousin. The defendant was booked into the Carver County Jail and charged with Giving Peace Officer False Name of Another Person (count 1) and Traffic-Drivers License-Driving After Suspension (count 2).
6. On or about May 27, 2010, CARMELO-Gomez was encountered by an ICE Immigration Enforcement Agent after having received an after hours Criminal Alien Program (CAP) duty call from the Carver County Jail regarding the defendants detention. On June 17, 2010, CARMELO-Gomez was turned over to ICE custody.
7. On or about September 27, 2007, CARMELO-Gomez was convicted of 2<sup>nd</sup> Degree Sale 3 Grams or More – Cocaine/Heroin/Methamphetamine w/in 90 –Day Period, to wit: Sale of Cocaine in violation of Minnesota State Statute 152.022 subdivision 1, Paragraph 1 in the District Court of Carver, Minnesota. On September 27, 2007, CARMELO-Gomez was given a stay of imposition and 60 days jail as a condition of the stay.
8. CARMELO-Gomez's immigration file indicates that he has been previously removed from the United States to Mexico on February 3, 2010, through the Laredo, Texas port of entry.

9. Law enforcement has confirmed through fingerprints and photographs contained in CARMELO-Gomez's criminal history and his immigration file that the individual named Felipe CARMELO-Gomez who is referenced in those records is, in fact, the same person who is currently in ICE custody.
10. Your Affiants investigation has revealed that since his removal from the United States on February 3, 2010, CARMELO-Gomez has not applied for, nor received, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.
11. Based on these facts, your Affiant has reason to believe that the defendant, Felipe CARMELO-Gomez, unlawfully re-entered and was found in the United States after removal, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

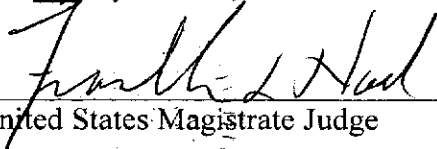
Further Your Affiant Sayeth Not.



Adam Kline, Deportation Officer  
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This <sup>29<sup>th</sup></sup> day of June, 2010.



United States Magistrate Judge